

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

REX RUSSELL LANDERS, et al.,)	
)	
Petitioners,)	
)	
vs.)	NO. CIV-06-0127-HE
)	
JOSEPH SCIBANA, Warden, et al.,)	
)	
Respondents.)	

ORDER

This case is before the Court on the Report and Recommendation of Magistrate Judge Bana Roberts. [Doc. #14]. Petitioners, prisoners appearing pro se, seek a writ of habeas corpus. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Roberts for review. Judge Roberts issued her Report and Recommendation on April 19, 2006, recommending that the action be dismissed without prejudice for failure to file a proper pleading as ordered.¹

Petitioners have not filed an objection to the Report and Recommendation.² Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). For this reason, and for the reasons contained in the Report and Recommendation, the court concludes this action should be dismissed without prejudice.


¹*Petitioners' original pleadings [Doc. Nos. 1, 2 and 3] were stricken by Judge Roberts and petitioners were directed to file a proper pleading along with the filing fee or motions to proceed in forma pauperis by March 23, 2006. Order of Mar. 3, 2006. As noted in the Report and Recommendation, no party responded to the order.*

²*The Report and Recommendation was mailed to the last known address of each petitioner.*

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety and this action is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 7th day of June, 2006.



JOE HEATON
UNITED STATES DISTRICT JUDGE